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15 Attorneys for Defendants
UBER TECHNOLOGIES, INC.
16 and OTTOMOTTO LLC

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 WAYMO LLC,
21 Plaintiff,
22 v.
23 UBER TECHNOLOGIES, INC.,
24 OTTOMOTTO LLC; OTTO TRUCKING LLC,
25 Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF MICHELLE
YANG IN SUPPORT OF PLAINTIFF
WAYMO LLC'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL ITS
MOTION TO EXCLUDE OTTO
TRUCKING'S DAMAGES EXPERT
JAMES MALACKOWSKI PURSUANT
TO RULE 702 (DKT. 1606)**

1 I, Michelle Yang, declare as follows:

2 1. I am an attorney at the law firm of Morrison & Foerster LLP. I make this
3 declaration based upon matters within my own personal knowledge and if called as a witness, I
4 could and would competently testify to the matters set forth herein. I make this declaration in
5 support of Plaintiff Waymo LLC's Administrative Motion to File Under Seal Its Motion to
6 Exclude Otto Trucking's Damages Expert James Malackowski Pursuant to Rule 702 (Dkt. 1606).

7 2. I have reviewed the following documents and confirmed that only the portions
8 identified below merit sealing:

Document	Portions to Be Filed Under Seal
Waymo's Motion to Exclude Otto Trucking's Damages Expert James Malackowski ("Waymo's Motion")	Blue Highlights
Exhibit 1 to Waymo's Motion	Red Boxes

14 3. The blue-highlighted portions in Waymo's Motion contain highly confidential
15 information regarding a business agreement, including terms and conditions such as the specific
16 obligations and responsibilities of each party and the highly confidential financial details of the
17 agreement. This information is not publicly known, and its confidentiality is strictly maintained.
18 I understand that disclosure of this information could allow competitors and counterparties to gain
19 insight into how Uber structures its business agreements, including detailed information about
20 financial terms offered by Uber, allowing them to tailor their own negotiation or business strategy
21 to the detriment of Uber.

22 4. The red boxes in Exhibit 1 contain highly confidential information regarding
23 financial forecasts based on hypothetical assumptions, which are not publicly known. These
24 financial forecasts based on hypothetical assumptions are maintained as confidential, and their
25 disclosure could allow competitors to acquire knowledge into Uber's internal assumptions and
26 strategy. Uber's competitive standing could be significantly harmed.

27 5. Defendants' request to seal is narrowly tailored to the portions of Waymo's
28 Motion and its supporting papers that merit sealing.

1 I declare under penalty of perjury that the foregoing is true and correct. Executed this
2 20th day of September, 2017 in San Francisco, California.

3
4 /s/ Michelle Yang

Michelle Yang

5
6
7
8 **ATTESTATION OF E-FILED SIGNATURE**

9
10 I, Arturo J. Gonzalez, am the ECF User whose ID and password are being used to file this
11 Declaration. In compliance with General Order 45, X.B., I hereby attest that Michelle Yang has
12 concurred in this filing.

13
14 Dated: September 20, 2017

/s/ Arturo J. Gonzalez

ARTURO J. GONZALEZ